

IN THE UNITED STATES DISTRICT COURT
Alabama Middle District (Montgomery) Case Cite:2:06-cv-00148-MHT

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U.S. DISTRICT COURT
MIDDLE DISTRICT ALA

Paul Pogue
in his individual capacity and
in his capacity as owner of
Surveyors' Park

V.

Sandy G. Robinson
a for-profit Representative of
International Paper Company, et al.,

Plaintiffs' File a Protest and Suggestion of NULLITY and VOID Magistrate's "Amended
"Recommendation" Document Number 41

Plaintiffs explains as follow.

PROTEST

1. Document number 41, is due to be stricken and vacated. Document 41 arrives without proper authorization. A Magistrate cannot amend an order without first announcing the purpose, the reason and or the rationale. *Observe specific impacting and disturbing acts of the honorable Magistrate Walker which leads the plaintiffs to protest and object as to Document 41..

2. The scope of legal theory and practice does not give a practicing magistrate, everlasting discretion. After the magistrate's recommendation becomes published, it carries with it, legal implications; therefore, due care and diligent must be practiced prior to publication. Otherwise,

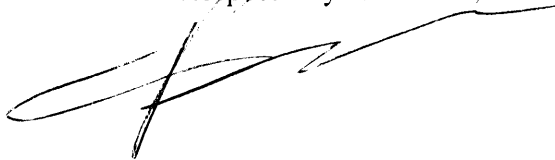
hop scotch and/ or hooky poky acts will become the order of the day.

*The plaintiffs case was delayed (20 days time to answer tampering) without a cause, a scheduling order was issued (only after Sandy G. Robinson was dismissed from the case) a scheduling order was issued before the federal district court judge disposed of the relevant pleadings. A FRCP 56 motion was entertained in error because it was (prematurely) filed since discovery time was pending and the FRCP56 motion-brief was altered without consideration of the responding party. "A true tale of a barrage" of botched procedural safeguards.

3. The Magistrate has failed to seek permission from the plaintiffs before publishing Document number 41. Document number 41, was issued without permission.

Wherefore, Plaintiffs ask that this honorable Federal Court System, at Montgomery, Alabama, recognize that document 41, is in violation of the fundamental principles of ordered liberty and Document 41, is due to be stricken under protest and its workings and legal implications be vacated without delay. Further, , the expressed language of the Recommendation Document 41, does not qualify its standing and or legal authority to arrive without some reference to incorporation of document number 40. The Magistrate's Amended Recommendation is published absent judicial warrant and or granted permission from a federal district court judge or other appropriate superior judicial authority.

Respectfully submitted,



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Certificate of mailing by U.S. Mail- A copy of this pleading was mailed to Mr. Charles T. Conway at P.O. Box 302550, Montgomery, Alabama 36130 and Mr.Christopher W. Weller at P.O. Box 2069, Montgomery, Alabama and Surveyors Park at 310 Kahn Street, Montgomery, Al 36104 and done this 9th day of March 2007.